

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BARRON LAZZIRA GARNETT,

Plaintiff,

v.

Case No. 06-C-1257

**SERGEANT JAMES CRISS
AND JAN BRYLOW,**

Defendants.

ORDER

A review of this file discloses that the defendants filed a motion for summary judgment on December 6, 2007. Court records indicate that copies of the motion and supporting materials were mailed to the plaintiff on December 6, 2007. Under the applicable procedural rules, the plaintiff's response to that motion should have been filed on or before January 7, 2008.

Briefing schedules are set forth in Civil L.R. 7.1 (E.D. Wis.). Parties are expected to comply with the procedures and dates specified in the rule without involvement of the court. The plaintiff is reminded that he is required to serve a copy of all submissions in this case on opposing counsel.

Court records show that the plaintiff did not file any response to the defendants' motion. However, on January 4, 2008, the plaintiff filed a request for "rescheduling disposition date" and he requested an update on the status of his case. As stated above, the status of plaintiff's case is that, unless he responds to the defendants' motion, his case will be dismissed. The court will construe his request for rescheduling as a motion for an extension of time within which to respond to the

defendants' motion. The court will allow the plaintiff to file a response to such motion on or before **February 18, 2008**. The plaintiff is hereby advised that, if he fails to file any response to defendants' motion by **February 18, 2008**, this action will be dismissed for lack of prosecution, with prejudice, pursuant to Civil L.R. 41.3 (E.D. Wis.) (copy attached) and Fed. R. Civ. P. 41(b).

NOW THEREFORE, IT IS ORDERED that the plaintiff shall file a response to the defendants' motion for summary judgment by **February 18, 2008**. Failure to file such a response may result in dismissal of this action for failure to prosecute.

Dated at Milwaukee, Wisconsin this 23rd day of January, 2008.

BY THE COURT:

s/AARON E. GOODSTEIN
United States Magistrate Judge

Civil L.R. 41.3 Dismissal for Lack of Diligence

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days.